

Federal Defenders OF NEW YORK, INC.

Eastern District
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Tamara L. Giwa
Executive Director and
Attorney-in-Chief

Michelle A. Gelernt
Attorney-in-Charge

May 1, 2024

Via Email and ECF

The Honorable Diane Gujarati
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Terrence Wise, 23-CR-9 (DG)

Dear Judge Gujarati,

We write to inform the Court of our significant concern that MDC Brooklyn is failing to provide adequate medical care to Terrence Wise. Records received today show that Mr. Wise appears to have a mass on his chest that has doubled in size over the last two months, without any medical care. The following is the chronology known to us at this writing.

- November 7, 2023: Mr. Wise was seen in the Chronic Care Clinic by Dr. Rame Awd, who reviewed with him a past positive tuberculosis test, a June 2023 blood test showing elevated cholesterol, and a January 2023 chest x-ray with “radiographic findings suggestive of COPD” and a 7mm calcified nodule at the lateral right lower lung. Dr. Awd ordered a chest x-ray to compare to the prior x-ray, and noted a pending blood test and pending kidney ultrasound. *See* Ex. A.
- November 8, 2023: Mr. Wise has a chest x-ray, which shows the same 7mm calcified pulmonary nodule, which “could potentially represent a bone island.” *See* Ex. B.
- November 9, 2023: Dr. Awd reviewed the prior day’s x-ray, and requested a lung CT scan by December 28, 2023. *See* Ex. C.
- January 4, 2024: Dr. Awd reviewed December 2023 blood work, showing the same elevated cholesterol level. The requested lung CT has not occurred. *See* Ex. D.
- January 26, 2024: Mr. Wise has a kidney ultrasound, which is normal. *See* Ex. E
- February 29, 2024: Mr. Wise is taken for a lung CT, which reveals a 3.6cm x 2.3cm x 3.6cm partially spiculated mass in the medial right paratracheal/upper lobe, partially within the superior mediastinum. *See* Ex. F. Mr. Wise is not told of the mass on his chest and no medical attention is provided.

- March 12, 2024: Mr. Wise writes to medical asking for the results of his outside tests. *See* Ex. G. He does not receive a response or medical attention.
- March 13, 2024: Federal Defenders files a subpoena, *Touhy* request, and HIPAA release for Mr. Wise's medical records from the MDC. No one responds from the MDC.
- April 11, 2024: Still unaware of the mass on his chest, Mr. Wise writes to medical that he is coughing up blood and is requesting medical attention. *See* Ex. H. He does not receive a response or medical attention.
- April 17, 2024: Mr. Wise again writes to medical that he has several concerns: (1) he is still coughing up blood; (2) he has a bed sore on the right side of his leg; (3) he has severe pain on the left side of his chest where his nipple is; (4) he has been writing Dr. Awd to find out the results from his scans, and he needs to be seen. *See* Ex. I. He does not receive a response or medical attention. He is still unaware of the mass on his chest.
- April 22, 2024: Mr. Wise again writes to medical that he is still coughing up blood, has put in several unanswered requests, that he has advised the officer on his unit of same, and that he needs to see medical. *See* Ex. J. He does not receive a response or medical attention. He is still unaware of the mass on his chest.
- April 24, 2024: Undersigned counsel visited Mr. Wise at MDC Brooklyn to prepare for his upcoming PSI. Mr. Wise advised counsel that he still did not have the results of his tests, and provided the four unanswered sick call requests (Ex. G-J). Counsel sent an email to MDC Legal, MDC Medical, and AUSA Roddin seeking immediate medical attention, attaching all of his unanswered requests, and reiterating that we had not received his medical records. *See* Ex. K. No one responds from the MDC.
- April 26, 2024: Mr. Wise is finally seen by a nurse practitioner at MDC medical to review his test results. The nurse practitioner advises him for the first time of the 3.6cm x 2.3cm x 3.6cm mass on his chest, which she diagnoses as "benign." *See* Ex. L.
- April 29, 2024: At 12:48pm, a nurse at the MDC reviews Mr. Wise's CT results and requests a consultation with a pulmonologist for "a bronchoscopy and biopsy asap," by May 3, 2024. *See* Ex. M. At 1:42pm, undersigned counsel, having just completed Mr. Wise's PSI and learned of the mass, wrote again to the MDC seeking urgent medical care, an update on his condition and the facility's treatment plan, and the previously requested records. *See* Ex. N. At 2:16pm, Dr. Bruce Bialor sends Mr. Wise to the Brooklyn Hospital Center emergency room "for further urgent workup," noting the two-month-old mass then measuring 3.6cm x 2.3cm x 3.6cm, and a one-month history of coughing up blood. *See* Ex. O. No one advises counsel that Mr. Wise has been taken to the hospital.
- April 30, 2024: A resident at Brooklyn Hospital Center advises the MDC that "the mass has increased in size from 3.6cm to 6cm in the 2 months since the initial CT scan," that

Mr. Wise continues to cough up blood, and that he is awaiting a biopsy. *See* Ex. P. No one advises undersigned counsel.

- May 1, 2024: At 12:06pm, Attorney-in-Charge Michelle Gelernt writes to the MDC, asking that they respond today, and to let us know whether he has received follow-up medical care and when we can expect his medical records, requested in accordance with the MDC's procedures on March 13, 2024. *See* Ex. Q. At 2:14pm, MDC attorney Irene Chan sent Mr. Wise's medical records.

As of this writing, the MDC has still not advised undersigned counsel as to the whereabouts or medical status of Mr. Wise. We have located him ourselves at the emergency room of Brooklyn Hospital, and do not know whether he has yet received a biopsy or any other tests. On the records made available to counsel and detailed above, it appears that from the MDC's receipt of the CT scan on February 29, 2024, revealing a 3.6cm mass on his chest, until the receipt of counsel's urgent email on April 24, 2024, MDC medical failed to provide Mr. Wise with any medical care, failed to request or perform any further tests regarding this mass, and failed to even advise him that he had a mass on his chest. As a result, that mass has now doubled in size.

MDC Brooklyn's troubling history of insufficient medical care is well documented. *See, e.g., United States v. Chavez*, 22-CR-303 (JMF), 2024 WL 50233, at *1 (S.D.N.Y. Jan. 4, 2024) (citing a lengthy array of documented cases of delayed medical care). As recently as today, Judge DeArcy Hall held an Order to Show Cause Hearing regarding the MDC's failure to provide medical care to defendant Jonathan Gouldbourne, resulting in a ruptured appendix. *See United States v. Ricketts, et al.*, 22-CR-106 (LDH), ECF No. 330.

So that we may ensure that Mr. Wise is receiving the necessary medical care to which he is constitutionally entitled, however belatedly, we respectfully request that this Court order the MDC to provide an explanation for its two-month delay in addressing Mr. Wise's chest mass, an update as to his present whereabouts, and a report from the Brooklyn Hospital Center as to his current condition, treatment plan, and prognosis. Counsel has contacted the MDC and United States Marshal Service expressing a desire to visit Mr. Wise in the hospital and to consult with his treating physicians. Thank you for your consideration.

Respectfully Submitted,

/s/

Mia Eisner-Grynberg
Staff Attorney
(718) 330-1257

Allison Berger
Mitigation Social Worker
(718) 407-7425

cc: AUSA Andrew Roddin (by ECF and email)

EXHIBIT A

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: WISE, TERRENCE
Date of Birth: 07/05/1969
Encounter Date: 11/07/2023 13:52

Sex: M Race: BLACK
Provider: Awd, Rame MD

Reg #: 35692-510
Facility: BRO
Unit: H03

Chronic Care - Chronic Care Clinic encounter performed at Health Services.

SUBJECTIVE:

COMPLAINT 1 Provider: Awd, Rame MD

Chief Complaint: Chronic Care Clinic

Subjective: This patient is here for CCC Visit. He is 54 Y.O man with H/O Hyperlipidemia, and H/O PTSD/Bipolar/Impulse disorder

In last evaluation Inmate stated: "he has Positive TB Skin Test and has treatment for 6 months in 1998 with 2 medication (Vitamin B6 and another medication)"

Blood test on 06/28/2023 showed Cr # 1.36 (was 1.29 in 01/2023), elevated of cholesterol # 215 (was 209), Tri # 160 (was NL), and LDL # 149. HgA1C # 5.8. CXR in 01/2023 No evidence for an acute cardiopulmonary process, and Radiographic findings suggestive of COPD with 7 mm calcified nodule at the lateral right lower lung

Today his blood pressure is WNL 122/80 and he denies chest pain, SOB, dizziness, suicidal/homicidal ideation or bowel movement/urinary problem.

Will keep him on his medication, blood test is pending, Kidney US is pending, repeat CXR, and will F/u him as needed or in CCC

Pain: No

Seen for clinic(s): General, Mental Health, Endocrine/Lipid

Added to clinic(s): Endocrine/Lipid

Removed from clinic(s): General

OBJECTIVE:

Temperature:

Date	Time	Fahrenheit	Celsius	Location	Provider
11/07/2023	13:52 BRO	97.7	36.5	Forehead	Awd, Rame MD

Pulse:

Date	Time	Rate Per Minute	Location	Rhythm	Provider
11/07/2023	13:52 BRO	89	Via Machine		Awd, Rame MD

Respirations:

Date	Time	Rate Per Minute	Provider
11/07/2023	13:52 BRO	14	Awd, Rame MD

Blood Pressure:

Date	Time	Value	Location	Position	Cuff Size	Provider
11/07/2023	13:52 BRO	122/80	Left Arm	Sitting	Adult-regular	Awd, Rame MD

SaO2:

Date	Time	Value(%)	Air	Provider
11/07/2023	13:52 BRO	99	Room Air	Awd, Rame MD

Inmate Name: WISE, TERRENCE

Reg #: 35692-510

Date of Birth: 07/05/1969

Sex: M Race: BLACK

Facility: BRO

Encounter Date: 11/07/2023 13:52

Provider: Awd, Rame MD

Unit: H03

<u>Date</u>	<u>Time</u>	<u>Value(%)</u>	<u>Air</u>	<u>Provider</u>
Weight:				
<u>Date</u>	<u>Time</u>	<u>Lbs</u>	<u>Kg</u>	<u>Waist Circum.</u>
11/07/2023	13:52	BRO	162.0	73.5
				Awd, Rame MD

Exam:**General****Affect**

Yes: Pleasant

Pulmonary**Percussion**

Yes: Within Normal Limits

Auscultation

Yes: Clear to Auscultation

Cardiovascular**Auscultation**

Yes: Regular Rate and Rhythm (RRR), Normal S1 and S2

No: M/R/G

Abdomen**Percussion**

Yes: Tympany

Palpation

Yes: Within Normal Limits, Soft

Musculoskeletal**Gait**

Yes: Normal Gait

Mental Health**Mood**

Yes: Appropriate

Orientation

Yes: Alert and Oriented x 3

Attention

Yes: Within Normal Limits

ASSESSMENT:

Hyperlipidemia, unspecified, E785 - Current

Major depressive disorder, recurrent, F339 - Current

Post-traumatic stress disorder, F4310 - Current

Unspecified Bipolar and Related Disorder, F31.9*e - Current

LTBI Prophy Complete in BOP, 795.5B - Current

PLAN:**Renew Medication Orders:**Rx# MedicationOrder Date

Inmate Name: WISE, TERRENCE

Date of Birth: 07/05/1969

Encounter Date: 11/07/2023 13:52

Sex: M Race: BLACK

Provider: Awd, Rame MD

Reg #: 35692-510

Facility: BRO

Unit: H03

Renew Medication Orders:

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>
448837-BRO	Atorvastatin 10 MG Tab	11/07/2023 13:52
<u>Prescriber Order:</u> Take one tablet (10 MG) by mouth each evening x 180 day(s)		
Indication: Hyperlipidemia, unspecified		
446058-BRO	Divalproex ER 24 Hour Tab 500 MG	11/07/2023 13:52
<u>Prescriber Order:</u> Take one tablet (500 MG) by mouth at bedtime *consent form on file * x 180 day(s)		
Indication: Unspecified Bipolar and Related Disorder, Major depressive disorder, recurrent		
446059-BRO	risperiDONE 0.5 MG Tab	11/07/2023 13:52
<u>Prescriber Order:</u> Take one tablet (0.5 MG) by mouth at bedtime *consent form on file * x 180 day(s)		
Indication: Unspecified Bipolar and Related Disorder, Impulse disorder, unspecified, Post-traumatic stress disorder, Cocaine use, with cocaine-induced disorder		

New Radiology Request Orders:

<u>Details</u>	<u>Frequency</u>	<u>End Date</u>	<u>Due Date</u>	<u>Priority</u>
General Radiology-Chest-PA/Lateral	One Time		11/14/2023	Routine
Specific reason(s) for request (Complaints and findings):				
Compering to previous X-ray.				

Schedule:

<u>Activity</u>	<u>Date Scheduled</u>	<u>Scheduled Provider</u>
Chronic Care Visit	11/05/2024 00:00	Physician 01
CCC		

Disposition:

Follow-up at Sick Call as Needed
Follow-up at Chronic Care Clinic as Needed

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
11/07/2023	Counseling	Plan of Care	Awd, Rame	Verbalizes Understanding

Copay Required: No**Cosign Required:** No**Telephone/Verbal Order:** No

Completed by Awd, Rame MD on 11/07/2023 13:58

EXHIBIT B



MDC Brooklyn BRO

Patient:	WSE, TERRENCE (Male)	DOB:	07/05/69
Register#:	35692-510	Age:	54
Date:	11/08/23 10:05	Status:	OP
SliceCount:	2		
History:	Compering to previous X-ray.		
Priors:			
Exams:	XR CXR 2 VIEWS		
Referring Phy:	BIALOR		
Ordering Phy:			
Ordering Phy #:			
Accession Numbers:	1.2.840.113619.2.305.4.2147483647.1699453427.691524		

Final Report

Exam: XR CXR 2 VIEWS

HISTORY: see above

TECHNIQUE: Frontal and lateral views of the chest.

COMPARISON: 1/31/2023

FINDINGS: Normal lung volumes. 7 mm calcified pulmonary nodule is again visualized within the right lung base laterally, projecting over the right anterior fifth. The relation to the fifth rib is similar to the previous study and could potentially represent a bone island. Otherwise, the remainder of the lungs are clear. No acute airspace disease or pulmonary edema.

Normal cardiomeastinal contours. Normal cardiac size. Calcification at the aortic arch is again visualized.

No pleural effusions.

No pneumothorax.

No acute osseous abnormalities.

As before, there is a small metallic bullet projectile located to the left of the upper lumbar spine.

IMPRESSION:

- 1. Stable chest examination without cardiopulmonary process.**
- 2. Redemonstration of 7 mm calcified pulmonary nodule consistent with calcified granuloma within the right lower lobe laterally versus benign bone island located within the right anterior fifth rib.**
- 3. Redemonstration of retained metallic bullet projectile located to the left of the upper lumbar spine.**

Radiologist: Justin Yoon, MD

Study ready at 10:05 and initial results transmitted at 10:24

Bureau of Prisons
Health Services
Cosign/Review

Inmate Name: WISE, TERRENCE
Date of Birth: 07/05/1969
Scanned Date: 11/09/2023 07:24 EST

Sex: M

Reg #: 35692-510
Race: BLACK
Facility: BRO

Reviewed by Awd, Rame MD on 11/09/2023 09:31.

Bureau of Prisons
Health Services
Cosign/Review

Inmate Name: WISE, TERRENCE
Date of Birth: 07/05/1969
Scanned Date: 11/09/2023 07:24 EST

Sex: M

Reg #: 35692-510
Race: BLACK
Facility: BRO

Cosigned by Bialor, Bruce (MAT-M) MD, CD on 11/28/2023 09:31.

EXHIBIT C

Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note

Inmate Name: WISE, TERRENCE	Sex: M Race: BLACK	Reg #: 35692-510
Date of Birth: 07/05/1969	Provider: Awd, Rame MD	Facility: BRO
Note Date: 11/09/2023 09:27		Unit: H03

Admin Note - General Administrative Note encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 Provider: Awd, Rame MD

CXR in 11/09/2023 showed 7 mm calcified pulmonary nodule consistent with calcified granuloma within the right lower lobe laterally versus benign bone island located within the right anterior fifth rib.
 Will request lung CT.

New Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Radiology	12/28/2023	12/28/2023	Routine	No	

Subtype:

CT Scan

Reason for Request:

Lung CT without contrast

54 Y.O man with H/O Positive TB Skin Test and has treatment for 6 months in 1998 with 2 medication.
 CXR in 11/09/2023 showed 7 mm calcified pulmonary nodule consistent with calcified granuloma within the right lower lobe laterally versus benign bone island located within the right anterior fifth rib.
 Needs this test to provide more detailed information

Provisional Diagnosis:

7 mm calcified pulmonary nodule.

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Awd, Rame MD on 11/09/2023 09:30

EXHIBIT D

Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note

Inmate Name: WISE, TERRENCE		Reg #: 35692-510
Date of Birth: 07/05/1969	Sex: M Race: BLACK	Facility: BRO
Note Date: 01/04/2024 13:23	Provider: Awd, Rame MD	Unit: H03

Admin Note - General Administrative Note encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 Provider: Awd, Rame MD

Blood test on 12/28/2023 showed same value of Cr from previous test # 1.37 and minimal improved of lipid profile (compliant on medication 85%)

HgA1C # 6.1 (was 5.8)

Kidney US is pending

Will repeat blood test for monitoring

New Laboratory Requests:

<u>Details</u>	<u>Frequency</u>	<u>Due Date</u>	<u>Priority</u>
Lab Tests - Short List-General-Hemoglobin A1C	One Time	06/03/2024 00:00	Routine
Lab Tests - Short List-General-Comprehensive Metabolic Profile (CMP)			
Lab Tests - Short List-General-CBC w/diff			
Lab Tests - Short List-General-Lipid Profile			

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Awd, Rame MD on 01/04/2024 13:25

EXHIBIT E

Ultrasound renal complete

Status: Final result

Study Result

Narrative & Impression

FINAL REPORT

HISTORY: blood test on 06/28/23 showed Cr #1.36 was (1.29 in 01/23) CKD -

TECHNIQUE: A renal sonogram was performed.

COMPARISON: There are no prior studies available for comparison.

FINDINGS:

The right kidney measures 9.3 x 4.7 x 4.7 cm

The left kidney measures 9.8 x 6 x 4 cm

The renal parenchyma is normal in echotexture.

There is no renal mass, calculus or hydronephrosis.

IMPRESSION:

Normal renal sonogram.

Dictated by: Samy Fourati on January 26, 2024 at 1:09 p.m.

Electronically Signed by: Samy Fourati on January 26, 2024 at 1:09 p.m.

Referring M.D.: RAME AWD on December 20, 2023 at 10:43 a.m.

Signed by

Signed

FOURATI, SAMY

Date/Time

1/26/2024 13:09

Phone

718-250-8311

Pager

Exam Information

Status

Final [99]

Exam

Begun

1/26/2024 10:13

Exam

Ended

1/26/2024 10:34

External Results Report

There is an external results report available.

Encounter

[View Encounter](#)

Bureau of Prisons**Health Services****Cosign/Review**

Inmate Name: WISE, TERRENCE
Date of Birth: 07/05/1969
Scanned Date: 02/06/2024 22:09 EST

Sex: M

Reg #: 35692-510
Race: BLACK
Facility: BRO

Cosigned by Bialor, Bruce (MOUD-M) MD, CD on 02/07/2024 08:51.

EXHIBIT F

CT Chest WO Contrast

Status: Final result

Reg # 35692-510

Study Result

Narrative & Impression

FINAL REPORT

HISTORY: Clinical indication: History of positive tuberculosis test with possible calcified granuloma

TECHNIQUE: CT scan of the chest from the thoracic inlet to the upper abdomen without IV contrast as per request. Multiplanar reformations from the acquired data set.

The CTDI volume for this examination is 8.2 mGy.

This examination was performed using one or more of the following dose reduction techniques: automated exposure control, adjustment of the mA and/or kV according to patient size, and/or use of iterative reconstruction technique.

COMPARISON: No relevant studies available for comparison.

FINDINGS:

NODES: No enlarged mediastinal, hilar or axillary lymph nodes.

CARDIOVASCULAR: No pericardial effusion. Thoracic aorta and main pulmonary artery are normal in caliber. Thoracic aortic calcifications.

BRONCHOPULMONARY: Trachea and central airways are patent. Diffuse bilateral moderate emphysematous changes. Medial right paratracheal/upper lobe 3.6 x 2.3 x 3.6 cm partially spiculated mass, partially within the superior mediastinum (series 5, image 37). Right-sided perifissural nodules including 0.4 cm subpleural nodule (series 5, image 116).

No effusion or pneumothorax.

UPPER ABDOMEN: Partially imaged upper abdomen demonstrates no acute abnormality

MUSCULOSKELETAL: Chronic right rib deformities. No suspicious lytic or blastic lesion. Degenerative changes of the spine. Postsurgical changes left ribs.

IMPRESSION:

Medial right paratracheal/upper lobe 3.6 x 2.3 x 3.6 cm partially spiculated mass. Mass partially within superior mediastinum.

Diffuse moderate emphysematous changes.

Dictated by: Elliot Landau on February 29, 2024 at 09:02 a.m.

Electronically Signed by: Elliot Landau on February 29, 2024 at 09:02 a.m.

Referring M.D.: RAME AWD on January 25, 2024 at 1:28 p.m.

Signed by

Signed

IP INTERFACE RESULTS



Date/Time

2/29/2024 09:02

Phone

Pager

Exam Information

Status Final [99]	Exam Begun 2/28/2024 09:11	Exam Ended 2/28/2024 09:23
<div><div> External Results Report</div><div>There is an external results report available.</div></div>	<div><div> Encounter</div><div>View Encounter</div></div>	

Bureau of Prisons
Health Services
Cosign/Review

Inmate Name: WISE, TERRENCE
Date of Birth: 07/05/1969
Scanned Date: 03/11/2024 14:22 EST

Sex: M

Reg #: 35692-510
Race: BLACK
Facility: BRO

Cosigned by Bialor, Bruce (MOUD-M) MD, CD on 03/18/2024 10:35.

EXHIBIT G

TRULINCS 35692510 - WISE, TERRENCE - Unit: BRO-H-C

FROM: 35692510

TO: Sick Call

SUBJECT: ***Request to Staff*** WISE, TERRENCE, Reg# 35692510, BRO-H-C

DATE: 03/12/2024 03:27:44 PM

To: doctor awd

Inmate Work Assignment: na

im writing to yu cause i was sent tou to take two different xrays and need to know my results plz....

EXHIBIT H

TRULINCS 35692510 - WISE, TERRENCE - Unit: BRO-H-C

FROM: 35692510

TO: Sick Call

SUBJECT: ***Request to Staff*** WISE, TERRENCE, Reg# 35692510, BRO-H-C

DATE: 04/11/2024 12:55:36 PM

To: nurse

Inmate Work Assignment: na

toady i had coughed up blood afew times and I'm requesting to see medical.

EXHIBIT I

TRULINCS 35692510 - WISE, TERRENCE - Unit: BRO-H-C

FROM: 35692510

TO: Sick Call

SUBJECT: ***Request to Staff*** WISE, TERRENCE, Reg# 35692510, BRO-H-C

DATE: 04/17/2024 06:24:05 PM

To: nurse

Inmate Work Assignment: na

i have afew medical issues.one im still coughing up blood out my mouth ,two i have a bed sore on my right side of my leg,three having serve pain on the left my chest where my nipple is and I've been writing doctor awd to find my results from the sonogram and the mri abt a month.i need to be seen by someone plz.....

EXHIBIT J

TRULINCS 35692510 - WISE, TERRENCE - Unit: BRO-H-C

FROM: 35692510

TO: Sick Call

SUBJECT: ***Request to Staff*** WISE, TERRENCE, Reg# 35692510, BRO-H-C

DATE: 04/22/2024 11:22:13 AM

To: nurse

Inmate Work Assignment: na

plz place on the call out for sick call.im coughing up blood still and i had told the officer that working my uniti've put in afew sick call slips abt my medical issues and still haven't gotten an response as yeti need to see medical.....

EXHIBIT K

Mia Eisner-Grynberg

From: Mia Eisner-Grynberg
Sent: Wednesday, April 24, 2024 5:48 PM
To: Papapetru, Sophia (BOP); 'Cardew, Michael (BOP)'; Peakes, Marc (BOP); Chan, Irene (BOP); Khan, Neha (BOP)
Cc: 'BRO-MedicalAttention-s@bop.gov'; AUSA Andrew Roddin; Allison Berger; Michelle Gelernt; Deirdre von Dornum
Subject: Terrence Wise 35692-510
Attachments: Wise sick calls 4.24.24.pdf; Terrence Wise Touhy Request 3-13-24.pdf

Hello,

I visited our client Terrence Wise, 35692-510, today, and was disturbed to learn that he has not received any medical attention or follow-up since he was taken to an outside facility on February 28, 2024 for imaging on his kidney, liver, and chest. Attached please find a March 12, 2024 sick call request, seeking the results of his scans, to which he has received no response. On April 11, 2024, he began coughing up blood, which is particularly concerning given the ongoing health conditions that prompted the imaging. Attached please find his April 11, 17, and 22 requests for medical attention, all of which have gone unanswered.

Additionally, on March 13, 2024, we requested Mr. Wise's medical records (previously emailed Touhy request and subpoena attached). We've not received any response. That attachment contains a current HIPAA release. Please provide these records, and ensure the Mr. Wise is seen by medical this week, and provide confirmation of same.

Thank you,

Mia Eisner-Grynberg
Assistant Federal Defender
Federal Defenders of New York, Inc.
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201
(718) 330-1257 (Office)
(914) 355-6493 (Cell)
Mia_Eisner-Grynberg@fd.org

EXHIBIT L

Bureau of Prisons
Health Services
Clinical Encounter

Inmate Name: WISE, TERRENCE
Date of Birth: 07/05/1969
Encounter Date: 04/26/2024 14:50

Sex: M Race: BLACK
Provider: Timothy, Beverly ANP-C

Reg #: 35692-510
Facility: BRO
Unit: H05

Reviewed Health Status: Yes

Chronic Care - Advanced Practice Provider Follow Up encounter performed at Other.

SUBJECTIVE:

COMPLAINT 1 Provider: Timothy, Beverly ANP-C

Chief Complaint: Chronic Care Clinic

Subjective: 54 y/o male presents today for MLP CCC - Depression, PTSD, HLD, & to review x-rays, diagnostic test, BS, Consultant report & lab results

Verbalize adherence to diet, exercise & medications

Denies LOC/AMS, chest pain, SOB/dyspnea, cough, edema, palpitation, H/A, blurry vision, sensitivity to light, lightheadedness, or dizziness, fever/chills, nasal symptoms, drainage from ears, difficulty hearing, earache, dysphagia, hoarseness, voice change, night sweats, fatigue/weakness, abdominal discomfort/symptoms, N/V, diarrhea/constipation, urinary discomfort/symptoms, unintentional weight loss/gain, musculoskeletal discomfort/symptoms

States normal BM daily

States drinks about 6 - 8 cups of water/day

States sleeps about 6 - 8 hours/night

States exercises daily various activities

Denies adverse effects to medications

Denies any suicidal or homicidal ideations, denies any auditory, tactile, olfactory, command or visual Hallucination's

Denies anxiety, sleep impairment, nightmares, flashbacks, memory impairment, decrease concentration, change in appetites, or change in weight

Denies exposure to any known allergen, new or historically sensitizing agent, or direct contact with irritating substance

C/o coughing up blood x 1 months, states whenever I cough

Denies fever, chills, night sweats, weight loss

States suffered GSW - 1994/1995 - left lung - Sx x 3

Pain: No

Allergies:

Allergy

Reaction

Comments

No Known Allergies

Allergies list reviewed/updated for the presence or absence of allergies, sensitivities, and other reactions to drugs, materials, food and environmental factors with the patient on 04/26/2024 14:50 by Timothy, Beverly ANP-C

Inmate Name: WISE, TERRENCE

Date of Birth: 07/05/1969

Encounter Date: 04/26/2024 14:50

89

Sex: M Race: BLACK

Provider: Timothy, Beverly ANP-C

Reg #: 35692-510

Facility: BRO

Unit: H05

Seen for clinic(s): Endocrine/Lipid, Mental Health

OBJECTIVE:**Temperature:**

<u>Date</u>	<u>Time</u>	<u>Fahrenheit</u>	<u>Celsius</u>	<u>Location</u>	<u>Provider</u>
04/26/2024	15:01 BRO	97.7	36.5	Forehead	Timothy, Beverly ANP-C

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
04/26/2024	15:01 BRO	88			Timothy, Beverly ANP-C

Respirations:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Provider</u>
04/26/2024	15:01 BRO	18	Timothy, Beverly ANP-C

Blood Pressure:

<u>Date</u>	<u>Time</u>	<u>Value</u>	<u>Location</u>	<u>Position</u>	<u>Cuff Size</u>	<u>Provider</u>
04/26/2024	15:01 BRO	144/90	Left Arm	Sitting		Timothy, Beverly ANP-C

SaO2:

<u>Date</u>	<u>Time</u>	<u>Value(%)</u>	<u>Air</u>	<u>Provider</u>
04/26/2024	15:01 BRO	100	Room Air	Timothy, Beverly ANP-C

Weight:

<u>Date</u>	<u>Time</u>	<u>Lbs</u>	<u>Kg</u>	<u>Waist Circum.</u>	<u>Provider</u>
04/26/2024	15:01 BRO	159.0	72.1		Timothy, Beverly ANP-C

Exam:**General****Affect**

Yes: Pleasant, Cooperative

Appearance

Yes: Appears Well, Alert and Oriented x 3

Nutrition

Yes: Within Normal Limits

Skin**General**

Yes: Within Normal Limits

Head**General**

Yes: Atraumatic/Normocephalic

Eyes**General**

Yes: PERRLA, Extraocular Movements Intact

Neck**General**

Yes: Within Normal Limits

Inmate Name: WISE, TERRENCE
Date of Birth: 07/05/1969
Encounter Date: 04/26/2024 14:50

90
Sex: M Race: BLACK
Provider: Timothy, Beverly ANP-C

Reg #: 35692-510
Facility: BRO
Unit: H05

Thyroid

Yes: Within Normal Limits

Pulmonary**Observation/Inspection**

Yes: Within Normal Limits

Thorax

Yes: Within Normal Limits

Auscultation

Yes: Clear to Auscultation, Vesicular Breath Sounds Bilaterally

Cardiovascular**Observation**

Yes: Within Normal Limits

Auscultation

Yes: Regular Rate and Rhythm (RRR), Normal S1 and S2

Vascular

Yes: Within Normal Limits

Peripheral Vascular**General**

Yes: Within Normal Limits

Abdomen**Inspection**

Yes: Within Normal Limits

Auscultation

Yes: Normo-Active Bowel Sounds

Palpation

Yes: Within Normal Limits

Gastrointestinal**General**

Yes: Within Normal Limits

Genitourinary**General**

Yes: Within Normal Limits

Musculoskeletal**Gait**

Yes: Normal Gait

Ankle/Foot/Toes ROM and Tests

Yes: Ambulating

Exam Comments

Chest CT dated 2/29/24 reviewed: medial right paratracheal/upper lobe 3.6 x 2.3 x 3.6 cm partially spiculated mass, mass partially within superior mediastinum

CXR dated 11/8/23 reviewed: Stable chest examination without cardiopulmonary process. Redemonstration of 7 mm calcified pulmonary nodule consistent with calcified granuloma within the right lower lobe laterally versus benign bone island located within the right anterior fifth rib. Redemonstration of retained metallic bullet projectile located to the left

Inmate Name: WISE, TERRENCE
 Date of Birth: 07/05/1969
 Encounter Date: 04/26/2024 14:50

Sex: M Race: BLACK
 Provider: Timothy, Beverly ANP-C

Reg #: 35692-510
 Facility: BRO
 Unit: H05

of the upper lumbar spine.

Musculoskeletal: moving all extremities without difficulty, good pulses throughout, good muscle strength, reflexes, & tone, normal skin color & temperature, skin color consistent with ethnicity, sensation intact throughout

Renal Sono dated 1/30/24 reviewed: normal

ASSESSMENT:

Benign neoplasm of unspecified bronchus and lung, D1430 - Current

Hyperlipidemia, unspecified, E785 - Current

Major depressive disorder, recurrent, F339 - Current

Post-traumatic stress disorder, F4310 - Current

PLAN:

Renew Medication Orders:

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>
456416-BRO	Atorvastatin 10 MG Tab	04/26/2024 14:50
	<u>Prescriber Order:</u> Take one tablet (10 MG) by mouth each evening x 180 day(s)	
	Indication: Hyperlipidemia, unspecified	
456424-BRO	Divalproex ER 24 Hour Tab 500 MG	04/26/2024 14:50
	<u>Prescriber Order:</u> Take one tablet (500 MG) by mouth at bedtime *consent form on file * x 180 day(s)	
	Indication: Unspecified Bipolar and Related Disorder, Major depressive disorder, recurrent	
456425-BRO	risperiDONE 0.5 MG Tab	04/26/2024 14:50
	<u>Prescriber Order:</u> Take one tablet (0.5 MG) by mouth at bedtime *consent form on file * x 180 day(s)	
	Indication: Post-traumatic stress disorder, Impulse disorder, unspecified, Unspecified Bipolar and Related Disorder, Cocaine use, with cocaine-induced disorder	

Schedule:

<u>Activity</u>	<u>Date Scheduled</u>	<u>Scheduled Provider</u>
MLP Chronic Care Follow up	04/25/2025 00:00	MLP 01
HLD		
Mental Health		

Disposition:

Follow-up at Sick Call as Needed
 Follow-up at Chronic Care Clinic as Needed

Other:

Discussed clinical findings from exam
 Discussed Lab results, Sono, x-ray, & Diagnostic test
 Instructed on hand, respiratory & eye hygiene
 Discussed medication adherence
 Discussed daily foot care
 Discussed daily skin care
 Discussed fall precautions
 Instructed to reduce sodium intake
 Instructed to avoid concentrated sweets
 Instructed to increase PO water intake
 Instructed to increase fiber, fruits & vegetables intake
 Discussed diet (Low Fat/Chol/Low Salt), weight loss, stress management strategies, daily exercise - @ least 30

Inmate Name: WISE, TERRENCE	Sex: M	Race: BLACK	Reg #: 35692-510
Date of Birth: 07/05/1969	Provider: Timothy, Beverly ANP-C	Facility: BRO	Unit: H05
Encounter Date: 04/26/2024 14:50			

min/day, & lifestyle modifications
Discussed self-care & preventative health maintenance
Instructed to RTC PRN

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
04/26/2024	Counseling	Plan of Care	Timothy, Beverly	Verbalizes Understanding

Copay Required: No**Cosign Required:** Yes**Telephone/Verbal Order:** No

Completed by Timothy, Beverly ANP-C on 04/26/2024 16:28

Requested to be cosigned by Awd, Rame MD.

Cosign documentation will be displayed on the following page.

Bureau of Prisons
Health Services
Cosign/Review

Inmate Name:	WISE, TERRENCE	Reg #:	35692-510
Date of Birth:	07/05/1969	Sex:	M
Encounter Date:	04/26/2024 14:50	Provider:	Timothy, Beverly ANP-C
		Race:	BLACK
		Facility:	BRO

Cosigned by Awd, Rame MD on 04/29/2024 08:07.

EXHIBIT M

Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note

Inmate Name: WISE, TERRENCE	Sex: M Race: BLACK	Reg #: 35692-510
Date of Birth: 07/05/1969	Provider: Jordan, Duvinka	Facility: BRO
Note Date: 04/29/2024 12:48		Unit: H05

Reviewed Health Status: No

Admin Note - Chart Review encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 Provider: Jordan, Duvinka RN/AHSA
 entering consult for follow up

New Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Pulmonology	05/03/2024	05/03/2024	Emergent	No	

Subtype:

Pulmonology - Offsite Appt

Reason for Request:

54 y/o male had CT chest on 2/29/24 which showed medial right paratracheal/upper lobe 3.6 x 2.3 x 3.6 cm partially spiculated mass, mass partially within superior mediastinum.

Please schedule bronchoscopy and biopsy asap.

Copay Required: No

Cosign Required: Yes

Telephone/Verbal Order: Yes **By:** Bialor, Bruce (MOUD-M) MD, CD

Telephone or Verbal order read back and verified.

Completed by Jordan, Duvinka RN/AHSA on 04/29/2024 12:53

Requested to be cosigned by Bialor, Bruce (MOUD-M) MD, CD.

Cosign documentation will be displayed on the following page.

Bureau of Prisons
Health Services
Cosign/Review

Inmate Name: WISE, TERRENCE
Date of Birth: 07/05/1969
Encounter Date: 04/29/2024 12:48

Sex: M
Provider: Jordan, Duvinka

Reg #: 35692-510
Race: BLACK
Facility: BRO

Cosigned by Bialor, Bruce (MOUD-M) MD, CD on 04/29/2024 14:16.

EXHIBIT N

Mia Eisner-Grynberg

From: Mia Eisner-Grynberg
Sent: Monday, April 29, 2024 1:42 PM
To: 'Papapetru, Sophia (BOP)'; 'Cardew, Michael (BOP)'; 'Peakes, Marc (BOP)'; 'Chan, Irene (BOP)'; 'Khan, Neha (BOP)'
Cc: 'BRO-MedicalAttention-s@bop.gov'; 'AUSA Andrew Roddin'; Allison Berger; Michelle Gelernt; Deirdre von Dornum
Subject: RE: Terrence Wise 35692-510

Hello,

I'm following up on the below email re Terrence Wise. I understand from Mr. Wise that he was seen in medical on Friday, which I appreciate. However, he advised that his February imaging shows a mass and lump on his chest. We are extremely concerned that in light of the same, he has not received any care for whatever is the cause for two months. He continues to cough up blood. Please provide an update on his condition and the facility's plan for providing him necessary medical care. I reiterate our request for his medical records, previously subpoenaed with a Touhy letter and HIPAA release, which have not been received.

Thank you,

Mia Eisner-Grynberg
Assistant Federal Defender
Federal Defenders of New York, Inc.
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201
(718) 330-1257 (Office)
(914) 355-6493 (Cell)
Mia_Eisner-Grynberg@fd.org

From: Mia Eisner-Grynberg
Sent: Wednesday, April 24, 2024 5:48 PM
To: Papapetru, Sophia (BOP) <spapapetru@bop.gov>; 'Cardew, Michael (BOP)' <mcardew@bop.gov>; Peakes, Marc (BOP) <mpeakes@bop.gov>; Chan, Irene (BOP) <ichan@bop.gov>; Khan, Neha (BOP) <nkhan@bop.gov>
Cc: 'BRO-MedicalAttention-s@bop.gov' <BRO-MedicalAttention-s@bop.gov>; AUSA Andrew Roddin <andrew.rodin@usdoj.gov>; Allison Berger <Allison_Berger@fd.org>; Michelle Gelernt <Michelle_Gelernt@fd.org>; Deirdre von Dornum <Deirdre_vonDornum@fd.org>
Subject: Terrence Wise 35692-510

Hello,

I visited our client Terrence Wise, 35692-510, today, and was disturbed to learn that he has not received any medical attention or follow-up since he was taken to an outside facility on February 28, 2024 for imaging on his kidney, liver, and chest. Attached please find a March 12, 2024 sick call request, seeking the results of his scans, to which he has received no response. On April 11, 2024, he began coughing up blood, which is particularly concerning given the ongoing health conditions that prompted the imaging. Attached please find his April 11, 17, and 22 requests for medical attention, all of which have gone unanswered.

Additionally, on March 13, 2024, we requested Mr. Wise's medical records (previously emailed Touhy request and subpoena attached). We've not received any response. That attachment contains a current HIPAA release. Please provide these records, and ensure the Mr. Wise is seen by medical this week, and provide confirmation of same.

Thank you,

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Assistant Federal Defender
Federal Defenders of New York, Inc.
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Brooklyn, NY 11201
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Mia_Eisner-Grynberg@fd.org

EXHIBIT O

Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note

Inmate Name: WISE, TERRENCE	Sex: M Race: BLACK	Reg #: 35692-510
Date of Birth: 07/05/1969	Provider: Bialor, Bruce (MOUD-M)	Facility: BRO
Note Date: 04/29/2024 14:16		Unit: H05

Reviewed Health Status: No

Admin Note - Consultation encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 Provider: Bialor, Bruce (MOUD-M) MD, CD
 ER Consult for hemoptysis and abnormal chest CT.

New Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Emergency Room	04/29/2024	04/29/2024	Urgent	No	

Subtype:

Emergency Room

Reason for Request:

54 y/o male had CT chest on 2/29/24 which showed medial right paratracheal/upper lobe 3.6 x 2.3 x 3.6 cm partially spiculated mass, mass partially within superior mediastinum.
 Having 1-month hx of hemoptysis.

Provisional Diagnosis:

Hemoptysis; R Paratracheal Mass. Pt needs to go to TBHC ER for further urgent workup. Admit to Family Medicine Service.

Discontinued Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Pulmonology	05/03/2024	05/03/2024	Emergent	No	

Subtype:

Pulmonology - Offsite Appt

Reason for Request:

54 y/o male had CT chest on 2/29/24 which showed medial right paratracheal/upper lobe 3.6 x 2.3 x 3.6 cm partially spiculated mass, mass partially within superior mediastinum.

Please schedule bronchoscopy and biopsy asap.

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Bialor, Bruce (MOUD-M) MD, CD on 04/29/2024 14:24

EXHIBIT P

Bureau of Prisons
Health Services
Clinical Encounter - Administrative Note

Inmate Name:	WISE, TERRENCE	Reg #:	35692-510
Date of Birth:	07/05/1969	Sex:	M Race: BLACK
Note Date:	04/30/2024 13:18	Facility:	BRO
		Provider:	Bialor, Bruce (MOUD-M)
		Unit:	H05

Reviewed Health Status: No

Admin Note - Community Hospital Report encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1 Provider: Bialor, Bruce (MOUD-M) MD, CD

Dr. Haggiagi, Family Medicine Resident, TBHC, on behalf of Attending Dr. Cummings: Mass has increased in size from 3.6 cm to 6 cm in the 2 months since the initial CT scan. Awaiting biopsy. Still having hemoptysis.

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Bialor, Bruce (MOUD-M) MD, CD on 04/30/2024 13:21

EXHIBIT Q

Mia Eisner-Grynberg

From: Michelle Gelernt
Sent: Wednesday, May 1, 2024 12:06 PM
To: Mia Eisner-Grynberg; Papapetru, Sophia (BOP); Cardew, Michael (BOP); Peakes, Marc (BOP); Chan, Irene (BOP); Khan, Neha (BOP)
Cc: BRO-MedicalAttention-s@bop.gov; AUSA Andrew Roddin; Allison Berger; Deirdre von Dornum
Subject: Re: Terrence Wise 35692-510

Can you please respond today and let us know whether Mr. Wise has received follow up medical care and when we can expect the medical records.

Thank you

Michelle Gelernt | Interim Attorney-in-Charge
Federal Defenders of NY, Inc.
One Pierrepont Plaza, 16th Floor | Brooklyn, NY 11201
tel: (718) 330-1204 | cell: (917) 587-6259 | fax: (718) 855-0760
michelle_gelernt@fd.org

From: Mia Eisner-Grynberg <Mia_Eisner-Grynberg@fd.org>
Sent: Monday, April 29, 2024 1:41 PM
To: Papapetru, Sophia (BOP) <spapapetru@bop.gov>; Cardew, Michael (BOP) <mcardew@bop.gov>; Peakes, Marc (BOP) <mpeakes@bop.gov>; Chan, Irene (BOP) <ichan@bop.gov>; Khan, Neha (BOP) <nkhan@bop.gov>
Cc: BRO-MedicalAttention-s@bop.gov <BRO-MedicalAttention-s@bop.gov>; AUSA Andrew Roddin <andrew.rodin@usdoj.gov>; Allison Berger <Allison_Berger@fd.org>; Michelle Gelernt <Michelle_Gelernt@fd.org>; Deirdre von Dornum <Deirdre_vonDornum@fd.org>
Subject: RE: Terrence Wise 35692-510

Hello,

I'm following up on the below email re Terrence Wise. I understand from Mr. Wise that he was seen in medical on Friday, which I appreciate. However, he advised that his February imaging shows a mass and lump on his chest. We are extremely concerned that in light of the same, he has not received any care for whatever is the cause for two months. He continues to cough up blood. Please provide an update on his condition and the facility's plan for providing him necessary medical care. I reiterate our request for his medical records, previously subpoenaed with a Touhy letter and HIPAA release, which have not been received.

Thank you,

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Federal Defenders of New York, Inc.
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201
(718) 330-1257 (Office)
(914) 355-6493 (Cell)
Mia_Eisner-Grynberg@fd.org

From: Mia Eisner-Grynberg

Sent: Wednesday, April 24, 2024 5:48 PM

To: Papapetru, Sophia (BOP) <spapapetru@bop.gov>; 'Cardew, Michael (BOP)' <mcardew@bop.gov>; Peakes, Marc (BOP) <mpeakes@bop.gov>; Chan, Irene (BOP) <ichan@bop.gov>; Khan, Neha (BOP) <nkhan@bop.gov>

Cc: 'BRO-MedicalAttention-s@bop.gov' <BRO-MedicalAttention-s@bop.gov>; AUSA Andrew Roddin <andrew.rodin@usdoj.gov>; Allison Berger <Allison_Berger@fd.org>; Michelle Gelernt <Michelle_Gelernt@fd.org>; Deirdre von Dornum <Deirdre_vonDornum@fd.org>

Subject: Terrence Wise 35692-510

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